

Notice of Allowability

Application No.

10/015,587

Examiner

Jerry A. Lorèngo

Applicant(s)

CHIU ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendments and arguments filed 11/08/2004.
2. ☒ The allowed claim(s) is/are 13-31.
3. ☒ The drawings filed on 12/17/2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

(1)

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Liam McDowell on December 2, 2004.

The application has been amended as follows:

Non-elected claims 1-12 have been cancelled.

(2)

Allowable Subject Matter

Claims 13-31 have been found to be allowable over the prior art of record.

(3)

The following is an examiner's statement of reasons for allowance:

Methods for the formation of lenses by molding dies, such as taught by U.S. Patent Nos. 6,180,033 to Greshes; 5,458,820 to Lefebvre; 5,376,317 to Maus et al.; 4,647,261 to Schaffer; and 4,540,534 to Grendol, are known in the art. Grendol, for example, discloses a method of hot-forming a thermoplastic lens by injection molding comprising the steps of: Providing a mold comprising two dies slidably mounted in a sheath and capable of sliding along the axis thereof, wherein the dies form a transverse forming face facing the other to define a molding cavity and further wherein the sheath and dies are provided with built-in (intrinsic) heating/cooling means; heating the sheath and dies to a molding temperature via the built-in heating/cooling means; injecting molten thermoplastic material between the two dies; moving the dies toward one another to shape the material by plastic deformation until a predetermined relative position is reached corresponding to the thickness desired for the lens; cooling the sheath and dies via the built-in heating/cooling means to an unmolding temperature; and removing the finished lens from the mold. None of the prior art of record, however, specifically teach or suggest a method of forming a thermoplastic lens, as set forth in applicant claims 13 and 31, wherein the forming

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is accomplished through the hot-forming of a perform between the dies as opposed to the injection molding method of Grendol.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

(4)

Response to Amendments and Arguments

The amendments and arguments filed November 8, 2004 are acknowledged. In response to those amendments; the applicant's arguments; and the authorization to cancel non-elected claims 1-12 (as set forth in section (1), above), claims 13-31 have been passed to issue as set forth and explained in sections (2) and (3), above.

(5)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jerry A. Lorengo whose telephone number is (571) 272-1233. The examiner can normally be reached on Monday through Friday, 8:30 A.M. to 5:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Fiorilla can be reached on (571) 272-1187. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



J.A. Lorengo, Primary Examiner

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December 13, 2004